

Issued March 5, 1914.

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 2743.

(Given pursuant to section 4 of the Food and Drugs Act.)

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**U. S. v. Magnus, Mabee & Reynard. Plea of guilty. Fine, \$50.**

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### ADULTERATION AND MISBRANDING OF SPEARMINT OIL.

On February 28, 1913, the United States Attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Magnus, Mabee & Reynard, a corporation, New York, N. Y., alleging shipment by said defendant, in violation of the Food and Drugs Act, on January 30, 1911, from the State of New York into the State of Kentucky, of a quantity of spearmint oil which was adulterated and misbranded. The product was labeled: "Oil Spearmint Magnus & Lauer Essential Oils, Vanilla Beans and Chemicals. 92 Pearl St. New York, U. S. A. Packed Expressly for Bagby-Howe Drug Co. Wholesale Druggists, Louisville, Ky. U. S. Serial No. 1245. Guaranteed under the Food and Drugs Act, June 30, 1906."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Specific gravity at 25° C., 0.9038; optical rotation, +0.5°; insoluble in two volumes of 80 per cent alcohol; carvone, 41 per cent. Adulteration of the product was alleged in the information for the reason that it was sold under and by a name recognized in the United States Pharmacopœia, to wit, oil of spearmint, and differed from the standard of strength, quality, and purity as determined by the test laid down in said Pharmacopœia official at the time of shipment and investigation, for oil of spearmint, and the standard of strength, quality, and purity of said article was not stated on the bottle, box, and container of the article, although the standard of such article differed from that

determined by the test laid down in said Pharmacopœia. Misbranding was alleged for the reason that the package and label of the product bore a statement regarding it, to wit, "Oil Spearmint," which was false and misleading, in that said statement would indicate that the product was a genuine spearmint oil, conforming to the standard for such article, whereas, in truth and in fact, it was adulterated with a strongly dextro-rotary oil, similar to oil of lemon, reenforced with an oil containing dextro carvone, similar to oil of caraway.

On May 22, 1913, the defendant company entered a plea of guilty to the information, and on May 23, 1913, the court imposed a fine of \$50.

C. F. MARVIN,

*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *October 13, 1913.*

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